

REMARKS

Telephone Interview Summary

Applicant's representative participated in a telephone interview with Examiner Pats on June 9, 2010 at 11:00 AM to discuss the present application. Applicant's representative appreciated the courtesies extended by Examiner Pats during the interview and the opportunity to discuss the application with Examiner Pats. The independent claims and prior art were discussed.

Applicant's representative explained that the claimed invention relates to a process for selecting associates for expatriate assignments by creating an "Expatriate Pool" of candidates, identifying assignments that relate to a new product launch, and then matching assignments to candidates in the "Expatriate Pool." To create the "Expatriate Pool," an initial group of associates is provided with preview information to assist them in deciding whether they want to be considered for an expatriate assignment. Associates that want to be considered for assignments become part of a "first set of candidates." Associates from the "first set of candidates" complete various assessments. The results of the assessments are analyzed to identify associates that should be included in the "Expatriate Pool." After assignments related to the new product launch are identified, assignments are matched to the candidates in the "Expatriate Pool." Candidates added to the "Expatriate Pool" complete part of the selection process but may be, or may not be, matched with an assignment.

Applicant's representative further explained that the Euro Disney and other prior art references previously cited against the claims disclose a single selection process in

which a job position is defined and a candidate is selected for the position. Although the position may have specific requirements, anyone, whether a current employee or not, is potentially a candidate for the position. Individuals may have to compete for the position by presenting the proper qualifications and by completing tests, interviews, etc., but the process involves one or more candidates clearing “hurdles” until one candidate is selected to fill the position. The prior art process does not, at a minimum, involve creating a candidate pool and then matching assignments to candidates in the pool as claimed.

Examiner Pats suggested amending the claims to indicate more clearly the timing and ordering of the steps in the process. No agreement regarding the claims was reached.

Claim Rejections – 35 USC § 103

The Examiner has rejected claims 1, 2, 4-8, 10, 12, and 15-19 under 35 UCS § 103(a) as being unpatentable over a public use of Disney’s Euro Disney project as evidenced by eight references. Each of the references describes different aspects of the Euro Disney project and the practices that Euro Disney followed in hiring and training managers as well as cast members. Applicant has amended the claims to indicate more clearly that an “Expatriate Pool” of candidates is created and that assignments are matched to candidates in the “Expatriate Pool.” Applicant has further amended the claims to indicate that the selection process begins with a group of associates (i.e., employees), that a first set of candidates is selected from the group of associates (according to various criteria), that the “Expatriate Pool” of candidates is

selected from the first set of candidates (according to additional criteria), and that a group of expatriate associates is created as a result of matching assignments to candidates from the “Expatriate Pool.” The expatriate associates complete assignment plans, complete their expatriate assignments, and then return from their expatriate assignments. The product is actually launched after the associates return from their assignments. In view of Applicant’s amended claims, Applicant respectfully traverses the rejection.

In rejecting the claims, the Examiner relies on one or more very short passages from one or more references to suggest that each claim element is in the prior art. Some of passages refer to practices related to hiring and/or training for managers while other passages refer to practices related to hiring and/or training for cast members. In any case, it is clear that the references do not disclose a series of activities that are relevant to a single group of associates or candidates.

The amended claims indicate clearly that the claimed invention involves 1) identifying a group of associates that are eligible for assignments, 2) after the associates complete certain activities, selecting from the group of associates a first set of candidates that would like to be considered for expatriate assignments, 3) creating an “Expatriate Pool” of candidates from the first set of candidates according to assessments, 4) identifying assignments related to the new product launch, and 5) matching assignments to candidates from the “Expatriate Pool” to define a group of expatriate associates. The expatriate associates complete assignment plans, complete their expatriate assignments, and then return from their expatriate assignments. The product is launched after the expatriate associates return to their home countries.

Applicant respectfully submits that the prior art cited against the application does not teach or even suggest that any single group of individuals completes a series of activities as claimed. Applicant respectfully submits that the various hiring practices described in the prior art are not relevant to the specific activities in the claimed invention, but even if they are, they are applied differently to different groups of individuals. Applicant respectfully submits the Examiner cannot combine hiring practices related to two entirely different groups of employees (i.e., managers and cast members) to conclude that Disney Euro followed the specific procedure of the claimed invention with regard to a single group.

With regard to various claim elements directed to a “product launch,” Applicant respectfully submits Euro Disney’s opening of a park cannot be construed to be a “product launch.” Providing services is not the same as manufacturing or offering an item that can be purchased. Furthermore, the claims have been amended to indicate more clearly that associates complete their expatriate assignments prior to the launch of the new product. Applicant respectfully submits the Euro Disney reference does not teach or even suggest that assignments are completed prior to the “launch of a product.” If the employees in Euro Disney completed their assignments in advance of the product launch (i.e., the opening of the park), there would be no employees at the park to serve patrons. Applicant respectfully submits it makes no sense in a service business to have employees complete assignments prior to a “launch” of the service.

Applicant has further amended the claims to indicate more clearly that after assignments are matched to “Expatriate Pool” candidates, the expatriate associates complete assignment plans related to their specific assignments. The claim limitations

related to the product launch date indicate clearly that the “Expatriate Pool” is developed and that assignments are matched to candidates far enough in advance to allow associates to complete assignment plans prior to moving to the country where they will complete their expatriate assignments. Applicant respectfully submits that prior art does not teach or suggest this aspect of the claimed invention.

Support for the claims as amended is found in Figure 2 and paragraphs [0033]-[0036].

Conclusion

Applicant respectfully submits the claims distinguish the present invention over the Euro Disney references. Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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